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# Weight and Measure Laws

OF THE

# STATE OF IOWA

Effective April 26, 1913

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*Dairy and Food Commissioner*
Des Moines, Iowa

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# WEIGHT AND MEASURE LAW

**Dairy and food commissioner—chief inspector—duties—compensation and expenses—how paid.**

Section 1. The state dairy and food commissioner is hereby charged with the duty of carrying into effect the provisions of this act and wherever the word "commissioner" is used, in this act, it shall refer to the dairy and food commissioner. The commissioner shall appoint a chief inspector of weights and measures upon approval of the executive council. The chief inspector of weights and measures shall receive a salary of not to exceed $1,800 per annum. His salary shall be paid in the same manner as the salaries of other state officers. All inspectors shall be allowed the expenses necessarily incurred by them in the discharge of their duties. All accounts shall be itemized and sworn to and when approved by the commissioner and the executive council, shall be paid by warrant of the auditor upon the treasurer out of a sum appropriated for carrying on the work of the dairy and food commissioner. The chief inspector and all inspectors appointed under this act shall perform such duties as may be assigned by the commissioner.

**State sealer—duties—seal—testing of weights and measures—assistance by state university.**

Sec. 2. The commissioner shall appoint an employe of the dairy and food commission to be state sealer of weights and measures. The state sealer shall take charge of the standards of the state, causing them to be kept at the capitol in a fire-proof building belonging to the state, from which they shall not be removed except for repairs or for certification; and take all other necessary precautions for their safe keeping. He shall maintain the state standards in good order, and shall submit them once in ten years to the national bureau of standards for certification. He shall keep a seal which shall be so formed as to impress the letters, "Iowa" upon the weights and measures sealed by him. He shall have and keep a general supervision of the weights and measures, and the weighing and measuring devices of the state in use in the state. He shall upon a written request of any citizen, firm or corporation, city, town or county, or educational institution of the state, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in this state. It is hereby made the duty of the department of physics at the state university of Iowa upon the request of the commissioner to assist the commissioner, the state sealer and all inspectors, in all such matters as may require the facilities of that laboratory or technical knowledge relating to physical measurements.

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**Standards—state and national same.**

Sec. 3. The standard weights and measures received from the United States under a resolution of congress and approved June 14, 1836, and such new weights, measures, and other apparatus in addition thereto or in renewal thereof, and such as shall be made under the direction of the commissioner in conformity therewith and certified to by the national bureau of standards, shall be the state standards.

**Length and surface measure.**

Sec. 4. The units or standard measures of length and surface from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standards of length designated in this act. For measures of cloth and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths, and sixteenths. The rod, pole, or perch contains five and one-half yards; the mile, one thousand seven hundred sixty yards. A chain for measuring land is twenty-two yards long and is divided into one hundred equal parts called links. The acre for land measure shall be measured horizontally and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten rods in breadth; six hundred and forty acres being contained in a square mile.

**Weight.**

Sec. 5. The units or standards of weight, from which all other weights shall be derived and ascertained, shall be the standard weights designated in this act. The hundred-weight consists of one hundred avoirdupois pounds and twenty hundred-weight are a ton. Whenever, hereafter, in this act the word "pound" is used it shall mean the avoirdupois pound unless otherwise distinctly specified.

**Commodities not liquids.**

Sec. 6. The units or standards of measure of capacity for commodities not liquids, from which all other measures shall be derived and ascertained, shall be the standards for such commodities designated in this act. The peck, half peck, quarter peck, quart, pint, and half pint, measures for measuring commodities which are not liquids, shall be derived from the half bushel by successively dividing the cubic inch capacity of that measure by two.

**Liquids.**

Sec. 7. The units or standards of measure of capacity for liquids, from which all other measures shall be derived and ascertained, shall be the standard liquid measures designated in this act. The gallon shall be divided by continual division by the number two, so as to make half gallons, quarts, pints, half pints and gills.

**Bushel by weight.**

Sec. 8. Wherever any of the articles or commodities mentioned in this section shall be sold by the bushel or fractional part thereof, and

no special agreement shall be made in writing, the measure thereof shall be ascertained by avoirdupois weight, and shall be computed as follows:

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| Apples | 48 pounds |
| Apples, dried | 24 pounds |
| Alfalfa seed | 60 pounds |
| Barley | 48 pounds |
| Beans, green, unshelled | 56 pounds |
| Beans, dried | 60 pounds |
| Beans, Lima | 56 pounds |
| Beets | 56 pounds |
| Blue grass seed | 14 pounds |
| Bran | 20 pounds |
| Bromus inermis | 14 pounds |
| Broom corn seed | 50 pounds |
| Buckwheat | 48 pounds |
| Carrots | 50 pounds |
| Castor beans, shelled | 50 pounds |
| Charcoal | 20 pounds |
| Cherries | 40 pounds |
| Clover seed | 60 pounds |
| Coal | 80 pounds |
| Coke | 40 pounds |
| Corn on the cob, (field) | 70 pounds |
| Corn in the ear, unhusked (field) | 75 pounds |
| Corn, shelled, (field) | 56 pounds |
| Corn meal | 48 pounds |
| Cucumbers | 48 pounds |
| Emmer | 40 pounds |
| Flax seed | 56 pounds |
| Grapes, with stems | 40 pounds |
| Hemp seed | 44 pounds |
| Hickory nuts, hulled | 50 pounds |
| Hungarian grass seed | 50 pounds |
| Kaffir corn | 56 pounds |
| Lime | 80 pounds |
| Millet seed | 50 pounds |
| Oats | 32 pounds |
| Onions | 52 pounds |
| Onion top sets | 28 pounds |
| Onion bottom sets | 32 pounds |
| Orchard grass seed | 14 pounds |
| Osage orange seed | 32 pounds |
| Parsnips | 45 pounds |
| Peaches | 48 pounds |
| Peaches, dried | 33 pounds |
| Peanuts | 22 pounds |
| Pears | 45 pounds |
| Peas, green, unshelled | 50 pounds |

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| Peas, dried | 60 pounds |
| Plums | 48 pounds |
| Popcorn on the ear | 70 pounds |
| Popcorn, shelled | 56 pounds |
| Potatoes | 60 pounds |
| Quinces | 48 pounds |
| Rape seed | 50 pounds |
| Red top seed | 14 pounds |
| Rutabagas | 60 pounds |
| Rye | 56 pounds |
| Salt | 80 pounds |
| Sand | 130 pounds |
| Shorts | 20 pounds |
| Sorghum saccharatum seed | 50 pounds |
| Spelt | 40 pounds |
| Sweet corn | 50 pounds |
| Sweet potatoes | 50 pounds |
| Timothy seed | 45 pounds |
| Tomatoes | 50 pounds |
| Turnips | 55 pounds |
| Walnuts, hulled | 50 pounds |
| Wheat | 60 pounds |
| All root crops not specified above | 50 pounds |

**Berries—boxes.**

Sec. 9. All sales of blackberries, blueberries, cranberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries, also onion sets, in packages of one peck or less, may be sold by the quart, pint, or half pint, dry measure; and all berry boxes sold, used, or offered for sale, within the state shall be of an interior capacity of not less than one quart, pint, or half pint, dry measure. Any berry boxes or measures not conforming to this section shall be confiscated by the inspector. The provisions of this section shall not be applicable until October 1, 1913.

**Sale by weight—stamped or printed thereon—violations punished.**

Sec. 10. All dry commodities, weighing ten ounces or more, except drugs, section comb honey and those specified in section nine, shall be bought or sold only by standard weight or numerical count, lineal measure or surface measure, except where parties otherwise agree in writing. Whenever any product is sold and the selling price is determined other than by numerical count, lineal or surface measure, and the product does not have the net weight plainly written, stamped or printed thereon, the seller shall at the time of delivery, upon the request of the purchaser, furnish a plain written or printed statement showing the name of the article sold, the quantity in net weight thereof, and the price paid for each item. Any person, firm or corporation, who sells, barters or trades, a less weight or amount to a purchaser than that which is asked for or agreed upon, of any article or commodity, shall be deemed guilty of a misdemeanor and shall be punished as herein provided. Pro-

vided, however, that reasonable variations shall be permitted, and tolerances and exemptions as to small packages shall be established by rules and regulations made by the state dairy and food commissioner. The use of bottomless measures is hereby declared a violation of this act, unless they conform in shape to the U. S. standard measure.

**Milk bottles—marked.**

Sec. 11. Bottles used for the sale of milk and cream shall be of a capacity of one-half gallon, three prints, one quart, one pint, one-half pint, one gill, filled full to the bottom of the lip. Bottles or jars used for the sale of milk shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle, and, on the bottom of the bottle, the name, initials, or trademark of the manufacturer, and designating number, which designating number shall be different for each manufacturer and may be used in identifying bottles. The designating number shall be furnished by the commissioner on request. The state sealer shall not be required to seal bottles or jars for milk or cream, marked as in this section provided, but the inspectors shall from time to time make tests of individual bottles in use, in order to ascertain whether the above provisions are being complied with.

**Coal by weight.**

Sec. 12. It shall be unlawful to sell or offer to sell in this state any coal, charcoal, or coke in any other manner than by weight. No person, firm or corporation shall deliver any coal, charcoal, or coke, without each such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivering vehicle, and the net amount in weight of coal, charcoal or coke contained in the cart, wagon, or other vehicle used in such deliveries, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of these tickets shall be surrendered by the person in charge of the load to the inspector upon demand, for his inspection, and a ticket or weight slip issued by the inspector, when the inspector desires to retain the original, shall be delivered to said purchaser of said coal, charcoal, or coke, or his agent or representative, at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket, showing the actual number of pounds delivered must be given to the purchaser at the time delivery is made. The commissioner or any of his assistants, or inspectors, are hereby empowered to compel the party or parties having charge of such coal, charcoal or coke to bring same on demand to a scale designated by the said commissioner or his assistant or inspector and weighed for the purpose of proving the true net weight of the article or commodity.

**Scales—licensed—slot machines prohibited.**

Sec. 13. It shall be unlawful for any person, firm or corporation by himself, or as the officer, servant, agent, or employe of any person, firm or corporation to operate or use or display for use any scale or scales,

known as money in the slot or automatic scale or scales or any weighing device, apparatus, or machine, which is used or intended for use to determine the weight of any person or persons, where compensation is derived, or any public or custom scale for which a fee is charged or accepted for weighing, unless said scale or device is licensed by the commissioner. Upon payment of the license fee of $3.00, the commissioner shall issue a metal license tag bearing the words "licensed by the dairy and food commissioner, state of Iowa, No. ....," each tag to be numbered consecutively and bear the year for which license is valid. The tag shall be displayed prominently on the front of the weighing device. Absence of the license tag shall be prima facia evidence that the weighing device is being operated contrary to law. No license shall be issued until the annual fee of three dollars ($3.00) is paid to the commissioner for each scale or weighing device operated or used. Any person desiring to secure said license shall make application therefor upon blanks to be furnished by the commissioner. The commissioner may withhold or revoke any license for cause. All licenses issued under this act shall expire December 31, 1914, and on December 31st of each year thereafter. All license and inspection fees collected under this act, shall be paid into the state treasury by the commissioner.

**Inspection—fee.**

Sec. 14. The commissioner and his assistants are each hereby empowered and it is hereby made their duty to make an inspection of scales, weights and measures wherever the same are kept for use in connection with the sale of merchandise or other commodities sold by weight or measurement, or where the price to be paid for producing or manufacturing any article or commodity is based upon the weight or measurement thereof, within this state. The commissioner and his assistants may for the enforcement of this act and in the performance of their official duties, with or without formal warrant, enter or go in or upon any stand, place, building or premises; or may stop vender, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests. An inspection fee of $5.00 shall be charged the person owning or operating the scales so inspected, but he shall not be required to pay more than two inspection fees in any one year. Whenever such inspection shall be made upon the complaint of any person other than the owner of the scale and upon examination the scale is found by the inspector to be in proper condition for weighing, the inspection fee of $5 shall be paid by the person making complaint Provided, however, no inspection fee shall be charged for the inspection of any scale of les than 2,000 pounds capacity.

**False or incorrect scales—complaint.**

Sec. 15. Whenever complaint shall be made to the commissioner that any false or incorrect scales, weights or measures are being made use of by any person, firm or corporation in the purchase or sale of merchandise or other commodities or in weighing any article or commodity, the piece price paid for producing which is determined by weight or measure, it shall be his duty to cause the same to be inspected as soon as the

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duties of his office will permit, and he shall make such other inspection of weights and measures as in his judgment is necessary or proper to be made.

**Using false weights or measures punished.**

Sec. 16. If any person engaged in the purchase or sale of merchandise or other commodities by weight or measurement or in the employment of labor where the price thereof is to be determined by weight or measurement of the articles or thing upon which such labor is bestowed, be found having in his place of business any scales, weights, measures or other apparatus for determining the quantity of any commodity, which does not conform to the standards of weight and measurement of this state, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in this chapter.

**Tagged—confiscated.**

Sec. 17. The inspector may confiscate and seize without warrant any incorrect scales, weights or measures or any weighing apparatus or part thereof which does not conform to the state standards or upon which the license fee has not been paid. If any weighing or measuring apparatus or part thereof be found out of order the same may be tagged by the inspector "condemned until repaired" which tag shall not be altered or removed until said apparatus is properly repaired.

**Refusal to comply—penalty.**

Sec. 18. Any person, firm or corporation, or agent thereof, who refuses to comply on demand, with any of the requirements of this act or who shall violate any of its provisions, or who shall obstruct or hinder the commissioner, or any of his assistants, in the discharge of any duty imposed by this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00), or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment, at the discretion of the court.

**Bulletins—reports.**

Sec. 19. The commissioner may from time to time make a report in the printed bulletins issued by the dairy and food commissioner, of the work undertaken and accomplished under this act, together with such general information as may be deemed suitable.

**Repeal.**

Sec. 20. That sections 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3019, 3020, 3021, 3034, 3035, and 5044 of the code and section 3016 of the supplement to the code be and they are hereby repealed.

**In effect.**

Sec. 21. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa. (Laws, 35th G. A.)